

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

**JANE DOE,**

**Plaintiff,**

**v.**

**Case No. 3:23-cv-00018-RSB**

**RECTOR AND VISITORS OF THE  
UNIVERSITY OF VIRGINIA,**

**Defendant.**

**PLAINTIFF'S MEMORANDUM IN SUPPORT OF  
MOTION TO EXCEED PAGE LIMIT**

Plaintiff Jane Doe, through undersigned counsel, respectfully moves this Court for leave to file a 40-page brief in opposition to Defendant's Motion for Summary Judgment. Defendant does not object to the granting of this Motion.

The scheduling order limits all briefs in support of motions to 25 pages. ECF No. 30. Plaintiff, in her forthcoming brief in opposition to Defendant's Motion for Summary Judgment, will set out the undisputed material facts in this matter, which occurred over a three-year time frame and involved a lengthy and thorough Title IX investigation. On September 25, 2024, this Court granted Defendant an additional 15 pages for its Motion for Summary Judgment. ECF No. 65.

To adequately set out the material facts supporting her response to Defendant's Motion for Summary Judgment and to argue the relevant law, Plaintiff requests leave to exceed the current page limit by 15 additional pages.

### **BACKGROUND**

Plaintiff filed this action relating to the Title IX investigation conducted by UVA after she reported in March 2020 the sexual assault she had experienced at the hands of a UVA professor. Plaintiff's Amended Complaint sets out extensive factual allegations regarding the Title IX investigation and UVA's actions that span three years from the Fall Semester of 2018 through August 2021. ECF No. 21 at ¶¶ 28-286. After ruling on Defendant's Motion to Dismiss, the Court allowed Plaintiff's case to proceed only as to: (1) the Title IX deliberate indifference claim stemming from the 2018-2019 J-Term incident, and Professor Biemann's failure to take action as to this incident; and (2) the adequacy of the UVA's Title IX investigation. *Id.*

Discovery closed on September 10, 2024, and the trial is set to begin on December 9, 2024. ECF Nos. 30, 47. On September 25, 2024, consistent with the scheduling order, Defendant filed a Motion for Summary Judgment on the remaining portions of Plaintiff's Title IX claim. ECF No. 66.

The Scheduling Order limits the length of briefs to 25 pages without leave of the Court. ECF No. 30 at 3.

### **ARGUMENT**

Good cause exists for Plaintiff to be granted 15 additional pages for her forthcoming brief in opposition to Defendant's Motion for Summary Judgment due to the timeframe covered by the Amended Complaint and the myriad of issues that occurred in UVA's Title IX investigation. Plaintiff needs more than 25 pages to adequately respond to Defendant's arguments in its Motion for Summary Judgment.

Plaintiff respectfully requests 15 additional pages so she can adequately respond to Defendant's Motion for Summary Judgment.

**CONCLUSION**

WHEREFORE, Plaintiff respectfully requests that the Court enter an order granting her leave to file a brief in opposition to Defendant's Motion for Summary Judgment that does not exceed 40 pages.

Dated: October 15, 2024

Respectfully submitted,

s/Elizabeth K. Abdnour

Elizabeth K. Abdnour

*Pro Hac Vice*

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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day of October, 2024, a true and accurate copy of the foregoing document was filed using the Court's ECM/ECF filing system, which will send an electronic notification to all counsel of record.

s/ Elizabeth K. Abdnour

Attorney at Law